COURT OF THE SUB-COLLECTOR, ATHAMALLIK

Mutation Appeal No. 01 of 2024

Malati Pradhan … Appellant

versus

Kainta Sahu and Tahasildar, Athamallik … Respondents

Decided on 2 May 2025

Mutation following a civil court partition decree. Where the Tahasildar has mutated the land strictly according to the shares allotted in a civil court partition decree, a grievance that the decree itself gave one party a larger or better share cannot be raised in a mutation appeal; the remedy lies before the civil court. The order tabulates, plot by plot, the decreed shares against the area mutated.

Result: Appeal dismissed.

ORDER

1. The case is scheduled for a hearing today. The petitioner's advocate was present on the call. He stated that his client, Malati Pradhan, had filed a suit for partition in respect of the case land against the respondent in the court of the learned CJSD Athamallik, vide Civil Suit No. 6/2023, which was preliminarily decreed on 15.05.2004. The son and relatives of the respondent had taken an active role in the division of the case land between the appellant and the respondent and prepared land allotment sheets with the help of a private Amin and submitted those documents before the Tahasildar for mutation. But after issuance of ROR in respect of the case land, the appellant could find that the respondent has fraudulently taken an Area measuring 2.50 acres of land more than the share of the appellant, and further, the best quality of land out of the case land has been allotted to the share of the respondent.

2. The advocate of the defendant was present. He submitted a time petition for the argument. It was accepted and granted for seven days.

3. The para-wise comment of the Tahasildar Athamallik was perused. He has denied the averment made by the appellant. The documents revealed that the mutation has been allowed as per the share mentioned in the court decree. Further, a copy of the ROR has also been enclosed for the veracity of the statement. The comparison between the partitioned land share of each co-sharer vis-à-vis the Mutation allowed by the Tahasildar is placed below

4. 65

5. 6.04

6. 2.44

7. 2.44

8. 3.60

9. 3.60

10. 134

11. 1.62

12. 1.19

13. 0.38

14. 0.81

15. 0.20

16. 0.20

17. 17

18. 0.35

19. -

20. -

21. 0.35

22. 0.35

23. 332

24. 0.57

25. 0.29

26. 0.29

27. 0.28

28. 0.28

29. 296

30. 0.17

31. -

32. -

33. 0.17

34. 0.17

35. 64

36. 2.01

37. 0.94

38. 0.94

39. 1.07

40. 1.07

41. 297

42. 0.05

43. -

44. -

45. 0.05

46. 0.05

47. 283

48. 0.06

49. -

50. -

51. 0.06

52. 0.06

53. 63/506

54. 1.54

55. 1.21

56. 1.21

57. 0.33

58. 0.33

59. 66/507

60. 0.53

61. 0.50

62. 0.50

63. 0.03

64. 0.03

65. 86/509

66. 0.20

67. -

68. -

69. 0.20

70. 0.20

71. 447

72. 0.11

73. -

74. -

75. -

76. 0.11 Road

77. 345

78. 0.30

79. 0.30

80. 0.30

81. -

82. -

83. 346

84. 1.66

85. 0.44

86. 0.44

87. 1.22

88. 1.22

89. 350

90. 0.89

91. 0.59

92. 0.35

93. 0.24

94. 0.30

95. 0.30

96. 359

97. 0.98

98. 0.44

99. 0.44

100. 0.54

101. 0.54

102. 17.08

103. 8.34

104. 8.34

105. 8.40

106. 8.40

107. 0.34

108. I did not find any error on the face of the record in this case. Put up on 22.04.25 for final argument and order.

109. 02.05.2025 The case was taken up today. The advocate of the defendant is present on call. Heard. He said that there is no question of the genuineness of the court order. The advocate of the petitioner lingering case. This is a waste of time of Court. Hence this this should be dismissed.

110. The advocate of the appellant was also present. Heard. He also said that he has obtained the original copy of the order of the court, but could not find any error. He further said that because of incorrect instructions received from his clients, the matter went up to this level.

111. The appellant was also present on call. She said that there was no such alteration of documents at the Tahail level, rather it was done at the court level. The defendant has managed to take a larger share than I. As such, I see no fault at the level of the Tahasildar.

JUDGMENT

112. The Petitioner, Malati Pradhan, claimed that the Respondent, Kainta Sahu, fraudulently acquired 2.50 acres of land more than her share in the land partition following the preliminary decree in Civil Suit No. 6/2023. The Petitioner also alleged that the Respondent was allotted the best quality land. The Tahasildar Athamallik, in his report, denied the Petitioner's claims and asserted that the mutation was carried out according to the shares specified in the court decree. The Tahasildar also provided a copy of the ROR and a comparison of land shares before and after the partition. The Petitioner's advocate initially sought time to obtain a certified copy of the court order, but later admitted that they could not find any errors in the order. The Petitioner's advocate attributed the issue to incorrect instructions from their The Petitioner, Malati Pradhan, contended that the alteration of documents occurred at the court level and not at the Tahasil level, and alleged that the Respondent received a larger share of the land

113. Having considered both parties' submissions and the Tahasildar report, this court finds no merit in the Petitioner's claims. The documents on record, including the Tahsildar’s report and the comparison of land shares, indicate that the mutation was conducted following the court decree.

114. The Mutation Appeal No. 01/2024 is hereby dismissed.

115. Given under my hand and seal of the Court on this the 2nd day of May 2025.

Sd/-
Sub-Collector, Athamallik

Odisha Revenue Laws · Revenue Court Orders. Reported for the reference of revenue officers. The order applies to its own facts; check the current law before relying on it.